

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE: PHARMACEUTICAL INDUSTRY AVERAGE  
WHOLESALE PRICE LITIGATION**

**MDL No. 1456**  
C.A. No. 01-12257-PBS

**THIS DOCUMENT PERTAINS TO:  
ALL CLASS ACTIONS**

Judge Patti B. Saris

**DECLARATION OF JAMES SHEPLEY**

I, James Shepley, hereby declare as follows:

1. This Declaration is submitted in opposition to Defendants' Motions for Summary Judgment.
2. I am a resident of the State of Nevada and reside in Reno, Nevada.
3. I have been diagnosed with prostate cancer and have been prescribed the following physician-administered drugs as part of my healthcare treatment for this illness: epoetin alfa ("Procrit") and goserelin acetate ("Zoladex").
4. I have paid for a portion of the cost of these physician-administered prescription medications which I received.
5. I have treated for this illness with the following healthcare providers: Dr. Angelo Kanellos; Dr. Kirsten Lorenzen; Dr. Steven Moss; and Dr. Steven Schiff.
6. I relied on the advice of my healthcare providers regarding my medical treatment, use of the above listed prescription drugs, and whether or not I should continue to use them.
7. I relied on the advice of my doctors and their facilities to be fair in their pricing of prescription medications and to comport with all ethical, moral, medical, regulatory and legal standards with respect to their medical care and treatment and their bills.

8. I do not know if I ever received free samples of any of the prescription drugs I was administered and my medical bills and records do not indicate whether or not I received free samples of any of these drugs. Also, my healthcare providers never told me whether or not I received free samples of these prescription medications.
9. I do not know if (or to what extent) my doctors or their facilities received free samples of prescription medications and then billed for the free samples, as I was never told.
10. I do not know what my doctors or their facilities paid for the prescription medications I was administered, as I was never told.
11. I do not know if (or to what extent) my doctors or their facilities profited from the sale of prescription medications, as I was never told.
12. I do not know if (or to what extent) my doctors or their facilities received other things of value from any of the defendant drug companies, as I was never told.
13. Prior to the filing of this action, I did not ever have occasion to read any government report, article or presentation in the media, or other document or presentation which caused us to learn about the unlawful marketing and sales practices alleged in this case to have been committed by the drug company defendants.
14. As set forth in the Complaint I filed in this action, I believe that I, and the people I represent in the certified class in this case, have suffered direct injury and damages as a result of the defendants' conduct.
15. I hereby declare under penalty of perjury that all of the foregoing statements made by me are true and correct to the best of my knowledge, information and belief.

This the 7<sup>th</sup> day of April, 2006.

/s/

**JAMES SHEPLEY**